ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98

REPLY COMMENTS OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

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SUMMARY

In these reply comments, PCIA responds to allegations that CMRS licensees should be classified as local exchange carriers under Section 251(b), required to provide switch-based interconnection and resale, and classified in certain circumstances as incumbent local exchange carriers under Section 251(c). In addition, PCIA reiterates its prior contention that the interconnection rights of CMRS providers are governed by Sections 332(c) and 201, not Section 251.

There are a number of legal and policy reasons why CMRS providers are not local exchange carriers regulated under Section 251. As a matter of statutory interpretation, no party offers a persuasive reason why the general rule of Section 3(44) -- that CMRS providers are specifically excluded from the statutory definition of LEC -- should not apply in this proceeding. Moreover, as PCIA previously pointed out, the concept of "telephone exchange service" simply does not make sense in the CMRS environment at all, but especially in the messaging services.

As a matter of policy, unreasonable discrimination in regulatory treatment based only on the type of technology used to offer a particular service is impermissible. That does not mean that all wireless and wireline services are to be treated in an identical fashion. Rather, CMRS and local exchange services are regulated under separate statutory schemes that reflect significant distinctions between the services.

A switch-based interconnection requirement for CMRS providers is also contrary to the express language of Section 251, which permits either direct or indirect interconnection with co-carriers. Further, such a requirement is contrary to the Commission's latest pronouncement on switch-based resale of CMRS, which states that switch-based interconnection imposes unnecessary costs on both carriers and the Commission.

Similarly, Section 251 provides no room to argue that CMRS carriers can be classified as incumbent LECs. Simply put, not a single CMRS carrier meets the statutory definition of incumbent local exchange carrier set forth in Section 251(h)(1). Moreover, the record contains no support for a finding that any CMRS licensees should be treated as incumbent LECs under the statutory test.

Finally, the interconnection rights and obligations of CMRS providers are governed by Section 332(c), not Section 251. Section 332(c) is the appropriate statutory guidepost because, unlike Section 251 -- which was drafted to provide a new model for *local exchange competition* -- Section 332(c) was drafted specifically to provide a new framework for *CMRS competition*. Therefore, the Commission should expeditiously complete its bill and keep proceeding and provide CMRS providers with another element of this rapidly evolving, pro-competitive federal regulatory framework.

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The Personal Communications Industry Association ("PCIA") hereby submits its reply to opening comments filed in response to the Commission's Notice of Proposed Rulemaking in the above-captioned docket.[1]

I. NEITHER THE 1996 ACT NOR COMMISSION PRECEDENT RENDERS CMRS PROVIDERS LOCAL EXCHANGE CARRIERS, SUBJECTS CMRS CARRIERS TO SWITCH-BASED INTERCONNECTION REQUIREMENTS, OR MAKES CMRS PROVIDERS INCUMBENT LOCAL EXCHANGE CARRIERS[2]

In its opening comments, PCIA stated that commercial mobile radio service ("CMRS") carriers do not fall within the definition of "local exchange carrier" ("LEC") for a number of legal and policy reasons. Legally, CMRS providers are generally exempt from the definition of local exchange carrier contained in Section 3 of the

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[1] FCC 96-182 (Apr. 19, 1996) ("*NPRM*" or "*Notice*").

[2] This section responds to the introductory paragraph of Section II.C of the *Notice* concerning the treatment of CMRS licensees as LECs under Section 251(b) and to paragraph 167 under Section II.B.2.e.(2).

Communications Act of 1934, as amended.[3] As a matter of policy, CMRS is not yet a substitute for wireline local exchange service for a substantial number of subscribers,[4] and CMRS licensees lack the control over essential facilities that at least in part underlies the adoption of Section 251.

By contrast, the National Wireless Resellers Association ("NWRA") argues that all CMRS providers *are* local exchange carriers subject to the resale, number portability, dialing parity, access to rights-of-way, and reciprocal compensation requirements of Section 251(b).[5] In support of this contention, NWRA posits that "the definitions adopted by Congress support the conclusion that facilities-based CMRS carriers should be treated as LECs,"[6] and "the Commission has long held that cellular

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[3] 47 U.S.C. § 153(44) ("The term 'local exchange carrier' . . . does not include a person insofar as such person is engaged in the provision of a commercial mobile service under section 332(c), except to the extent that the Commission finds that such service should be included in the definition of such term.")

[4] *E.g.*, *Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, FCC 95-505, ¶ 2 (Jan. 11, 1996) (Notice of Proposed Rulemaking) *("LEC-CMRS Interconnection NPRM"); Amendment of the Commission's Rules To Permit Flexible Service Offerings in the Commercial Mobile Radio Services,* FCC 96-17, ¶ 1 (Jan. 25, 1996) (Notice of Proposed Rule Making) ("*Flex CMRS NPRM*"). *See* 47 U.S.C. § 332(c)(3)(A).

[5] NWRA Comments at 7.

[6] *Id.* at 10.

service is the equivalent of local exchange service."[7] In addition, NWRA argues that, under Section 251(a), CMRS providers must provide switch-based interconnection with wireless resellers upon request.[8] Finally, NWRA claims that, "under certain circumstances," facilities-based CMRS providers "fall within the definition of incumbent LEC," and are therefore subject to the obligations of Section 251(c).[9]

None of these contentions is well grounded in either law or fact. Indeed, to support its policy arguments, NWRA ignores the plain meaning of relevant statutory language, as adopted by both the Telecommunications Act of 1996[10] and the Omnibus Budget Reconciliation Act of 1993.[11] NWRA either selectively cites Commission language from prior decisions, or disregards recent Commission's findings that would undercut its claims. As demonstrated below and in PCIA's opening comments, NWRA's attempts to include CMRS licensees within the obligations imposed by Sections 251 and 252 on local exchange carriers must be rejected.

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[7] *Id.* at 8 (citing *Cellular Communications Systems*, 89 FCC 2d 58, 72 (1982); *MTS and WATS Market Structure*, 97 FCC 2d 834, 882 (1984); *Cellular Lottery Rulemaking*, 98 FCC 2d 175, 194 (1984)).

[8] NWRA Comments at 12-13.

[9] *Id.* at 15.

[10] Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 ("*1996 Act*").

[11] Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002b, 107 Stat. 312, 392 (1993) ("*1993 Budget Act*")

A. CMRS Providers Are Not Local Exchange Carriers

CMRS carriers should not be classified as LECs for a number of legal and policy reasons. Legally, CMRS providers fall outside of the statutory definition of "local exchange carrier" and their service offerings may not be fully encompassed within the concept of "telephone exchange service." As a matter of policy, there are substantial differences between traditional landline local exchange service and CMRS. Among these differences are the facts that CMRS at present does not serve as a substitute for landline local exchange service, CMRS carriers cannot exert market power, and CMRS uses a rapidly evolving family of technologies.

Many parties pointed out that Congress explicitly decided *not* to classify CMRS providers as local exchange carriers unless the Commission put forth sound policy reasons for doing so.[12] To assert -- as NWRA apparently does -- that Section 3(44) is to be interpreted to classify CMRS providers as LECs flies in the face of the well-settled principle that "exceptions from the general rule are to be narrowly construed."[13] In this case, the general rule is that CMRS providers are not LECs. As

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[12] *E.g.*, Bell Atlantic NYNEX Mobile, Inc. ("BANM") Comments at 2-3; Cox Communications, Inc. ("Cox"), Comments at 50-51; Sprint Corp. Comments at 74-75; 360° Communications Co. Comments at 9.

[13] *Gault v. Comm'r of Internal Revenue*, 332 F.2d 94, 97 (2d Cir. 1964). *See also Goins v. Bd. of Pension Comm'rs of the City of Los Angeles*, 158 Cal. Rptr. 470, 472 (Cal. Ct. App. 1979) ("When a statute contains an exception to a general rule laid down therein, that exception is strictly construed").

detailed below, neither NWRA nor any other party offers any persuasive reasons why this rule should not be adhered to in the Commission's interpretation of Section 3(44).

NWRA alleges that the definition of "telephone exchange service" adopted by the *1996 Act* is "broad enough to include all CMRS, such that all CMRS providers are appropriately characterized as LECs for purposes of section 251(b)."[14] "Telephone exchange service" is defined under the Communications Act of 1934, as amended, as

> (A) service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge, or (B) comparable service provided through a system of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service.[15]

As PCIA pointed out in its opening comments, the concept of telephone exchange service (as well as exchange access) simply does not make sense in light of the service areas associated with various classes of CMRS -- which have always differed from

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[14] NWRA Comments at 10. If NWRA's assertion were accurate -- which it is not -- then CMRS resellers likewise would be fully subject to the requirements of Section 251(b) of the Communications Act, since the Commission explicitly has found that CMRS resellers are governed by the same requirements as facilities-based CMRS providers. *Implementation of Sections 3(n) and 332 of the Communications Act -- Regulatory Treatment of Mobile Services*, 9 FCC Rcd 1411, 1425 (1984) (Second Report and Order). This seems to run counter to the distinction that NWRA seeks to draw elsewhere in its comments -- that only facilities-based CMRS licensees should be governed by the LEC obligations imposed by Section 251. *See, e.g.*, NWRA Comments at i.

[15] 47 U.S.C. § 153(18).

wireline exchange areas.[16] The definition of telephone exchange access contained in the statute, even with the 1996 amendment, simply does not reach as far as NWRA claims.[17]

NWRA then focuses on the statutory definition of local exchange carrier, which even NWRA must acknowledge expressly excludes CMRS offerings under Section 332(c).[18] While Section 3(44) of the Communications Act of 1934, as amended, does provide the Commission with the authority to include CMRS providers within the definition of LEC, no sound, supportable basis for doing so has been supplied by NWRA or elsewhere in the record. NWRA simply ignores the facts that: (1) Congress reached the conclusion that CMRS licensees should be excluded from the definition of LEC just a few short months ago; and (2) Congress determined that the Commission should have flexibility to adjust the definition of LEC as it relates to CMRS offerings in light of "future circumstances."[19] Nothing in the record suggests that there has

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[16] PCIA Comments at 10.

[17] NWRA's claims about the benefits for small businesses allegedly associated with its preferred policy do not change the clear statutory language that excludes CMRS licensees from the LEC requirements contained in Section 251. *See* NWRA Comments at 13-15.

[18] NWRA Comments at 11.

[19] S.Cong. Rep. No. 104-230, 104th Cong., 2d Sess. 3 (1996) ("*Joint Explanatory Statement*"). *See* AirTouch Communications, Inc. ("AirTouch") Comments at 8-9.

been any change in circumstances in the past few months warranting a revisiting at this early date of the Congressional determination.[20]

NWRA's arguments discuss CMRS generally, but it fails to address directly the applicability of the local exchange carrier definition to paging or messaging services. As several parties point out, messaging services at present do not appear to be an "intercommunicating service" and thus technically fall outside the definition of telephone exchange service.

In seeking to shoehorn CMRS into the definition of local exchange carrier, NWRA relies upon claims about the convergence of wireline and wireless services, and the need to treat such services on a comparable basis.[21] Other commenters make a similar argument, that fixed CMRS should be treated like fixed local exchange service.[22] These commenters ignore the statutory structure set up by Section 332(c) to

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[20] *See* BANM Comments at 3-4; Cox Communications, Inc. Comments at 50-51. A number of commenters have suggested that CMRS providers should not be classified as LECs unless the CMRS offerings are a replacement for a substantial portion of the wireline local exchange service within a state. *E.g.*, BellSouth Comments at 69-70; Nextel Communications, Inc. Comments at 6. In PCIA's view, only if this standard is met is it appropriate for the Commission to evaluate whether CMRS operators should be redefined as LECs subject to Section 251 requirements. Depending upon the circumstances present at such time, however, reclassification as a LEC would not be automatic but would be subject to Commission review and evaluation.

[21] NWRA Comments at 2-6, 7.

[22] National Association of Regulatory Utility Commissioners ("NARUC") Comments at 21.

govern CMRS operations, which is a federal regulatory plan that takes into account the unique factors relevant to CMRS. While unreasonable discrimination based on technology is unacceptable under the Communications Act,[23] that does not mean that CMRS licensees are the same as and should be treated identically to local exchange carriers.[24]

Further, the Commission precedent cited by NWRA in support of the proposition that CMRS is local exchange service is both inapposite and outdated. Specifically, NWRA notes that, in its *MTS and WATS Market Structure* Order,[25] the Commission stated that, "RCCs provide 'exchange service' under sections 2(b) and 221(b) of the Communications Act, and we have consistently treated the mobile radio services provided by RCCs and telephone companies as local in nature," and in its *Cellular Lottery Rulemaking* Order,[26] the Commission held that, "[c]ellular service is

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[23] There may be times where it is appropriate to draw regulatory distinctions in light of valid technical limitations, such as with interim number portability requirements, which simply are not feasible for messaging operations. *See* Paging Network, Inc. ("PageNet") Comments at 7-8.

[24] NWRA's observations about the Commission's consideration of overlapping issues in this docket and in CC Dockets No. 94-54 and 95-185 do not change this conclusion. *See* NWRA Comments at 11 n.23 and 13 n.28. NWRA's argument in favor of a single policy ignores the separate statutory structures established by the 1993 and 1996 amendments to the Communications Act for CMRS operations and LECs.

[25] 97 FCC 2d 834, 882 (1984).

[26] 98 FCC 2d 175, 194 (1984).

a local exchange radio service under sections 2(b) and 221 of the Act, which is a natural extension of local exchange landline service."

The references to Section 2(b) indicate that these excerpted portions of Commission orders address the issue of federal-state jurisdiction, not the issue of whether CMRS is in fact local exchange service as defined by the statute. In these orders, the Commission was simply drawing the rather unremarkable conclusion that, prior to 1993, elements of intrastate cellular service apparently came under state jurisdiction pursuant to Section 2(b) of the Communications Act.

The 1993 enactment of Section 332(c) and its conforming amendment to Section 2(b), however, significantly affected the relevance of these prior Commission decisions. It rendered questionable any pre-1993 decisions addressing the issue of federal and state jurisdiction over CMRS. Specifically, Section 332(c)(3) preempts state jurisdiction over market entry and the rates charged by CMRS providers.[27] Thus, not only did the prior Commission statements cited by NWRA address a narrow jurisdictional issue, their continuing validity in light of the adoption of Section 332(c) is highly suspect.

Moreover, NWRA ignores an explicit Commission finding, made nearly contemporaneously with the statements it cited, that cellular service was not then and

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[27] As PCIA has demonstrated in other pending Commission dockets, the Commission has authority to preempt inconsistent state requirements under Section 332 and under the inseverability doctrine enunciated in *Louisiana Public Service Commission v. FCC*, 476 U.S. 355 (1986). *See, e.g.*, PCIA Written Ex Parte Presentation in WT Docket No. 96-6 (filed May 6, 1996).

was not anticipated to become a full competitor with local exchange service.[28] In addressing arguments in the context of the Pacific Telesis Group-Communications Industries, Inc. merger that cellular would become an increasingly meaningful substitute for wireline telephone service, the Commission stated:

> It appears that cellular will probably not become a significant substitute for landline service in most areas of the country because of its price and limited capacity. 89 FCC 2d 67. Recently, we stated that "cellular service is a local exchange radio service under Section 2(b) and 221(b) of the Communications Act of 1934, which is a natural extension of local exchange landline service, and we suggested that cellular communication 'may over time,' supplant landline local exchange service in some areas." *Cellular Lottery Rulemaking*, 98 FCC 2d 175, 194-95 (1984), *recon.*, FCC 85-117, released May 3, 1985; *Rural Cellular Service*, 58 RR 2d at 517 (1985). Cellular systems lack the requisite bulk capacity to serve as a meaningful substitute for landline local exchange service. *Cellular Systems*, 86 FCC 2d at 484, 89 FCC 2d at 67-68; *Rural Cellular Service*, *supra* at 519, 521. While cellular technology may provide a less expensive alternative to landline in providing basic telephone service in a few instances, cellular radio was not intended as a wholesale substitute for basic landline communication.[29]

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[28] Of course, the Commission at that time could not foresee the developments in technology that have occurred, and the new wireless services that have been authorized. As discussed in the text, while wireless services do compete to some extent with wireline services, CMRS has not yet become a substitute for wireline local exchange services for a substantial number of subscribers.

[29] *Applications of James F. Rill and Pacific Telesis Group for Consent to Transfer of Control of Communications Industries, Inc.*, 60 Rad. Reg. 2d 583, 594-95 (1986) (Memorandum Opinion and Order). The Commission further stated that "cellular service is properly viewed not as a substitute for wireline local exchange service, but as a complement to landline communications capable of serving the large unsatisfied demand for mobile communications." *Id.* at 595.

This Commission statement, which directly comments on some of the quotations relied upon by NWRA, specifically rebuts NWRA's claim that the Commission consistently has found cellular service to be a local exchange service.

NWRA also ignores very recent Commission statements addressing the competitiveness of CMRS with wireline local exchange service. In the *LEC-CMRS Interconnection NPRM*, the Commission specifically noted its concern that existing general interconnection polices "may not do enough to encourage the development of CMRS, especially in competition with LEC-provided wireline service" and that interconnection policies must not buttress LEC market power "[i]f commercial mobile radio services . . . are to *begin* to compete directly against LEC wireline services."[30] The limited competition between CMRS and wireline local exchange service underscores the fact that NWRA simply is incorrect in claiming that CMRS is local exchange service and that the Commission consistently has made such findings.

Further, contrary to NWRA's citations, the most apposite precedent for CMRS-CMRS interconnection is the Commission's recent *CMRS Interconnection NPRM*, in which the FCC explicitly considered whether CMRS providers should be required to interconnect with other CMRS providers. In concluding that such interconnection would not be in the public interest, the Commission stated that "it is premature, at this

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[30] *LEC-CMRS Interconnection Order*, ¶ 2 (emphasis added). *See also Flex CMRS NPRM*, ¶ 1.

stage in the development of the CMRS industry, for the Commission to impose a general interstate interconnection obligation on all CMRS providers."[31] The Commission reached this conclusion because "the CMRS industry is undergoing rapid change in terms of technologies and facilities employed,"[32] "all CMRS end users can currently interconnect with users of any other network through the LEC landline network,"[33] and "present market conditions" indicated that an interconnection obligation was unnecessary.[34]

B. Neither the Act Nor Commission Precedent Mandate Switch-Based Interconnection With CMRS Licensees

NWRA's argument that Section 251(a) "require[s] facilities-based CMRS carriers to interconnect with a wireless reseller's switch"[35] also is inconsistent with the language of the Act. Section 251(a)(1) states that "[e]ach telecommunications carrier has the duty to interconnect *directly or indirectly* with the facilities and equipment of

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[31] *Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Service*, 10 FCC Rcd 10666, 10681 (1995) (Second Notice of Proposed Rulemaking) ("*CMRS Interconnection NPRM*").

[32] *Id.*

[33] *Id.* at 10682.

[34] *Id.*

[35] NWRA Comments at 13.

other telecommunications carriers."[36] Thus, CMRS carriers are under no statutory obligation to provide switch-based -- or direct -- interconnection. Indirect interconnection clearly fulfills the statutory mandate.[37]

Further, in its *CMRS Interconnection NPRM*, the Commission has already addressed and tentatively rejected switch-based interconnection requirements because they are "unnecessary," and "may impose costs on the Commission, the industry, and consumers."[38] Such costs imposed on CMRS providers involve "unbundl[ing] their services," while the costs imposed on the Commission are related to the "administrative complexity and costs of imposing such regulations."[39]

C. Under No Circumstances Can CMRS Providers Be Classified As Incumbent LECS

Finally, NWRA contends that, as incumbent LECs "bundle CMRS services with the other services," and "their CMRS services are no longer required to be offered by structurally separate subsidiaries," then the incumbent LEC in question must offer cost-

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[36] 47 U.S.C. § 251(a)(1) (emphasis added).

[37] *See, e.g.*, Arch Communications Group, Inc. ("Arch") Comments at 18-19. *See also Notice*, ¶ 248 (where the Commission requests comment that Section 251(a) "is correctly interpreted to allow non-incumbent LECs receiving an interconnection request from another carrier to connect directly or indirectly at its discretion").

[38] *CMRS Interconnection NPRM*, 10 FCC Rcd at 10713.

[39] *Id.*

based interconnection and unbundled access to its CMRS facilities under Section 251(c).[40] Again, NWRA's argument is directly contradicted by the language of the 1996 Act.

Under Section 251(h)(1), "incumbent local exchange carriers" must have provided "telephone exchange service" in a given area, and must have been a member of the "exchange carrier association pursuant to section 69.601(b) of the Commission's rules" on the date of the Act's enactment. *No* CMRS carrier met these qualifications on the date of the Act's enactment.[41] In addition, as the *Notice* recognizes,

> [U]nder Section 251(h)(2), the Commission may, by rule, treat another LEC or class of LECs as an incumbent LEC if (1) 'such carrier occupies a position in the market for telephone exchange service within an area that is comparable' to that of an incumbent LEC, (2) 'such carrier has substantially replaced' an incumbent LEC, and (3) 'such treatment is consistent with the public interest, convenience, and necessity and the purposes' of Section 251.[42]

NWRA has made no attempt to demonstrate that application of this test would warrant treating any CMRS provider, to the extent that it is providing CMRS, as an incumbent LEC. As demonstrated above, CMRS providers are not LECs as now defined in the Communications Act, and there is no reason to treat them as such. Moreover, the CMRS exclusion from the local exchange carrier definition extends to the CMRS

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[40] NWRA Comments at 15-16.

[41] *See, e.g.*, PageNet Comments at 13-14.

[42] *Notice*, ¶ 44.

activities of all persons. The fact that an entity is an incumbent LEC for purposes of its telephone exchange service does not mean that all its activities, especially where they have been specifically and unequivocally excluded, are to be treated under the incumbent LEC rules.

II. CMRS LICENSEE INTERCONNECTION RIGHTS AND PRICING ARRANGEMENTS ARE GOVERNED BY SECTION 332(C) OF THE COMMUNICATIONS ACT AND NOT SECTION 251[43]

In its opening comments, PCIA demonstrated that LEC-CMRS interconnection arrangements as well as the pricing of those arrangements remain governed by Sections 332(c) and 201 of the Communications Act, and that Section 251 is not applicable to those situations. A number of commenters agreed with PCIA's assessment of the clear statutory language and Congressional intent.[44]

Efforts by some commenters to claim that LEC-CMRS interconnection must be encompassed within this proceeding, subjected to Section 251 requirements, and governed by state regulatory mandates must be rejected as inconsistent with the statute as well as the public interest. As noted above, Section 332(c) establishes a federal

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[43] This section responds to Section II.B.e.(2) of the *Notice*, concerning the applicability of Section 251(c)(2) to CMRS licensee interconnection arrangements, and Section II.C.5.e, concerning the applicability of Section 251(b)(5) to CMRS licensee interconnection arrangements.

[44] *E.g.*, AirTouch Comments at 2, 5-9; Arch Comments at 12-13; MobileMedia Communications, Inc. ("Mobile Media") Comments at 5.

regulatory structure, such that interconnection arrangements and pricing policies should be set at the federal, and not state, level.[45] NARUC's suggestion that the states retain authority over CMRS interconnection, unbundling of services, and wholesale pricing of such services[46] is wholly without basis and in fact is contrary to the federal interest reflected in Section 332(c).

PCIA continues to urge the Commission promptly to complete its CC Docket No. 95-185 proceeding. As noted by other commenters, delays in action in that proceeding only serve to inhibit successful competition in the CMRS marketplace and with local exchange service offerings.[47] The Commission should act quickly to mandate bill and keep for all network elements from the tandem switch to the end user for broadband CMRS licensees, with the costs of the trunks interconnecting the CMRS switch and the LEC switch to be shared. With regard to narrowband CMRS, the LEC should pay the full cost of the facilities connecting its switch to the CMRS provider's network, and narrowband CMRS operators should be entitled to recover the reasonable cost of the network facilities used in terminating calls.

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[45] *E.g.*, Sprint Spectrum and American Personal Communications Comments at 3-6; Vanguard Cellular Systems, Inc. Comments at 13-14.

[46] NARUC Comments at 21.

[47] *E.g.*, MobileMedia Comments at 2.

III. CONCLUSION

PCIA reiterates its view that this proceeding is not the proper forum for addressing LEC-CMRS or CMRS-CMRS interconnection issues. Rather, those matters are appropriately resolved pursuant to Sections 332(c) and 201 in the pending CC Dockets 94-54 and 95-185. Contrary to the unsupported claims of some commenters, Section 251 is not the guidepost for such interconnection arrangements.

In addition, CMRS providers are not LECs and are not required to comply with the LEC-specific obligations of Section 251. Arguments to the contrary are based on a complete disregard of the statutory language and the Congressional conclusion to exclude CMRS licensees from the LEC definition in the present environment.

Respectfully submitted,

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